

Minutes of Meeting  
Dagsboro Planning & Zoning Commission  
Bethel Center – 28307 Clayton Street, Dagsboro  
December 2, 2021

I. Call Meeting to Order:

Chairman Connor called the meeting to order at 6:00 p.m.

Those in attendance were: Chairman Brad Connor, Co-Chairperson Cathy Flowers, Commissioner Earl Savage (via audio), Commissioner Cindy Gallimore, Commissioner Janice Kolbeck, Town Administrator Cindi Brought, and Town Engineering Consultant Kyle Gulbronson. Please see the sign in sheet for others in attendance.

II. Public Comment:

No public comment was made.

III. Approval of Agenda:

Commissioner Savage made a motion to approve the agenda. Commissioner Gallimore seconded the motion. All were in favor.

IV. Approval of Minutes:  
November 4, 2021

Commissioner Savage made a motion to approve the minutes. Commissioner Gallimore seconded the motion. All were in favor.

V. New Business:

There was no new business.

VI. Old Business:

- a. Review of Changes Town Center – Changes/Suggestions From Town Council;  
Possibly Vote to Recommend New Draft to Town Council December 2021  
Meeting

Town Engineering Consultant Gulbronson stated that at the last P&Z meeting a finalized list of permitted uses and non-permitted uses allowed in the Town Center District was created and sent out to Town Council members and comments were received from Councilman Chandler. Co-Chairperson Flowers confirmed that these changes would require a Public Hearing. Mr. Gulbronson stated “yes,” that is correct, as it involves a Zoning Code change. P&Z

Commission would recommend the list to Town Council, Town Council would then send it to a Public Hearing, and an Ordinance would be drafted.

Engineering Consultant Gulbranson stated that in referring to the comments received from Councilman Chandler it was suggested that on (2) Bed-and-Breakfast to add 1 parking space per employee and 1 visitor parking space per bedroom. All were in favor.

Engineering Consultant Gulbranson stated that in reference to (5) Classic Car Restoration, Councilman Chandler felt with past experiences that it would be noisy and a source of air and noise pollution. He felt that requiring indoor restoration would never work and that there will be complaints and it will require Code Enforcement. Chairman Connor stated that the concern goes back to the past gas station with gas pumps and the owner would not do what was asked. There were a lot issues with this individual. Chairman Connor felt that what was being proposed would be different, but it is Town Center and you wouldn't want to set that precedence. All were in favor of removing Classic Car Restoration.

Councilman Chandler felt the same for (6) Convenience store with gas pumps that there would be risk of noise, air and ground pollution from underground tanks. He felt that they are better suited in the Highway Commercial District not in the Town Center District. Commissioner Kolbeck asked about Bodie's and Chairman Connor stated that this is where the question lies. Chairman Connor asked if they are grandfathered. Engineering Consultant Gulbranson stated that they probably are as they were there prior to the Zoning Code of Dagsboro. Engineering Consultant Gulbranson stated that the use is probably what is grandfathered. Chairman Connor felt that what Councilman Chandler is referring to is if someone else comes in and puts in new gas pumps it would have to be allowed. Town Administrator Brought asked if you remove it as an allowable use would Bodie's be able to sell their business. Engineering Consultant Gulbranson stated that the way the Town Code reads is that when it comes to non-conforming uses, if it is a continuous business and they haven't stopped operation and a new business buys it, then it could continue. Chairman Connor stated that a new owner wouldn't be able to get financing if the Zoning is not correct. Engineering Consultant Gulbranson stated that with a non-conforming use if something happens to the building like fire and its destroyed beyond 50% you can't replace it. Commissioner Savage asked if they are grandfathered. Town Administrator Brought stated that the Town believes that they are. According to Town Solicitor Morris they are grandfathered as we are dealing with them on other issues for Code Enforcement. Commissioner Gallimore asked about the underground tanks and their condition with them being there for so long and wouldn't they have to be removed? Engineering Consultant Gulbranson stated that if anyone else was to purchase the property and they wanted to continue as a gas station he felt that they would have to replace them. Commissioner Kolbeck asked what Councilman Chandler's concern was with having a gas station in Town Center District. Engineering Consultant Gulbranson stated that Councilman Chandler doesn't feel it is an appropriate use for Town Center District. Chairman Connor stated that when the old Getty station was in town it had a leak and it poisoned the well with Benzene, and that does not improve. Fortunately the town got city water. Engineering

Consultant Gulbranson stated that on that same note that the new technology that gas stations must use for their tanks is now much better than what it used to be.

Chairman Connor asked if the use is removed and Bodie's is grandfathered, wouldn't that solve the issue? Engineering Consultant Gulbranson stated that if they are grandfathered and someone purchased it as long as it doesn't cease operation for a period of months, they could continue. He felt the only question is if they would be able to get financing. P&Z Commission were all in agreement to allow Town Council to make the final decision on this one as there are pros and cons on both sides.

Engineering Consultant Gulbranson stated that his interpretation of Councilman Chandler's comment on (7) carpenter, sheet metal, sign, blacksmith, and welding shops, is that this should be under Industrial Zoning and probably should not be allowed in Town Center District. Town Administrator Brought stated that in reference to carpenter, Superior Screen & Glass on Vines Creek Road does carpentry work. Engineering Consultant Gulbranson stated that the building that Morse Roofing is in used to be an HVAC and they fabricated on site. Mr. Gulbranson stated that the largest building in Town Center District is limited to 10,000 square feet. All were in favor of small businesses to include custom carpentry work and remove sheet metal, sign, blacksmith and welding shops.

Engineering Consultant Gulbranson stated that in (12) home based businesses, which is already in the Code, Councilman Chandler wanted to add "provided there is no outside storage of equipment, supplies, or business vehicles." All were in favor of Councilman Chandler's recommendations.

Chairman Connor stated that in (13) Councilman Chandler felt that laundromats, dry cleaning and laundry pick up stations, as well as, newspaper printing and publishing facilities are known polluters and should be in non-residential areas. All were in favor of removing all above uses.

Engineering Consultant Gulbranson stated that in (18) Nursery Schools/Child Daycare Centers, Councilman Chandler suggested clarification by adding the phrase "plus parking parent pick up and drop off." All were in favor of the addition.

Councilman Chandler suggested basically the same for (19) Nursing/Graduate Care Facilities to add the phrase "parking for visitors." All were in favor of this addition.

Under (23) Restaurants and eatery requirements there was discussion about "standing only" in regard to alcoholic beverages. In (5) P&Z agreed to remove in the permanent seated dining area and move the no alcoholic beverages are permitted in any outside service area to (6). Therefore, (6) reads as follows: Stand-up consumption of alcoholic beverages is not permitted. No alcoholic beverages are permitted in any outside service area.

Under (25) Temporary Removable Stands Councilman Chandler suggested that the town require proof of insurance. All were in favor.

VII. Public Comment:

Anthony Lorenz, 29198 Shady Creek Lane, stated that in regard to the discussion of Bodie's and the possibility of other convenience stores, he asked if they would be operational 24 hours or would there be a restriction on time in the Town Center District. Engineering Consultant Gulbranson and Chairman Connor stated that at this time there is no restriction on time.

Mr. Lorenz asked in regard to carpentry, if someone wanted to make the Amish sheds would that be allowed? Town Administrator Brought stated that it would have to be inside the building. Chairman Connor stated that it would have to be inside and he felt they wouldn't have anything to accommodate this use.

Engineering Consultant Gulbranson stated that he would make all changes and get the draft ready to present at the December 20, 2021 Town Council meeting.

VIII. Adjournment:

Commissioner Savage made a motion to adjourn. Commissioner Kolbeck seconded the motion. All were in favor.

Meeting was adjourned at 6:45 p.m.

Respectfully Submitted,  
Stacy West, Town Clerk